

**Town of Charlton
Planning Board Minutes
758 Charlton Road
Charlton, New York 12019**

Minutes of the Planning Board Meeting – August 19, 2013

Chairman Jay Wilkinson called the meeting to order at 7:13 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Mike Armer, Dawn Szurek, Connie Wood, Chris Mitchell, Marilyn Phillips, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the July 15, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has provided comments. Ms. Szurek provided a comment. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

PUBLIC HEARINGS

None.

SUBDIVISION AND LOT LINE CHANGE APPLICATIONS

Maher (235.-1-1.11)

Mr. Wilkinson stated that the applicant came before the Board in June for a pre-application conference for a three lot subdivision of a 75.75 acre parcel. Mr. Wilkinson stated that the wetlands have been delineated and it was discovered that the wetlands were on an extensive portion of the parcel. Mr. Wilkinson stated that the applicant has changed their proposal to a two lot subdivision after receiving the wetland delineation. Mr. Wilkinson stated that one lot will be the existing home and existing barn and the new lot will face DeGraff Road.

Mrs. Wood suggested the Board request an affidavit from Mr. Maher.

Mrs. York stated that she has asked Mrs. Maher to provide an affidavit or Mr. Maher needed to come to the meeting.

Smith/Northeast (226.-1-59 and 226.-1-60)

Mr. Wilkinson stated that this is a subdivision and lot line change on Peaceable Street. Mr. Wilkinson stated that the property is owned by William and Carole Smith at 1289 Peaceable Street. Mr. Wilkinson stated that the Board had been waiting for the ZBA to make a determination. Mr. Wilkinson stated that the applicants are proposing a subdivision of their 24 acre parcel to create one new building lot of 21 acres and a lot line adjustment for their 1289 Peaceable Street property, lot 3, to increase that lot size to 1.6 acres. Mr. Wilkinson stated that the Board took lead agency at the April meeting. Mr. Wilkinson stated that the County has given their approval. Mr. Wilkinson stated that the Public Hearing was on May 20, 2013. Mr. Wilkinson stated that the application was forwarded to the ZBA to resolve a number of existing non-conforming setback conditions that were identified by Mr. McNamara. Mr. Wilkinson stated that the ZBA reviewed the applicant's request for relief at their July 16th meeting and the ZBA granted multiple area variances needed to subdivide the property into 3 parcels. Mr. Wilkinson stated that the perk tests and soil tests have been performed. Mr. Wilkinson stated that the town engineer has reviewed the application and provided comments to the Board in a letter dated May 1, 2013. Mr. Wilkinson stated that the only remaining issue is that the barn may not meet the setbacks to lot 3. Mr. Wilkinson stated that there is a note on the drawing, note 14, that states if livestock is going to be kept in the barn, approval from the Zoning Administrator will be necessary.

Clute/Van Guilder (236.-1-39.111)

Mr. Wilkinson stated that this is an application for a subdivision of a 39+ acre parcel located at 1220 Packer Road, into 4 lots. Mr. Wilkinson stated that the proposed lots range from 2+ acres to one 30+ acre parcel. Mr. Wilkinson stated that Duane Rabideau is representing the applicants. Mr. Wilkinson stated the proposal is now a minor subdivision. Mr. Wilkinson stated that they removed the line through the barn and that will now remain with the existing farm house until the barn is removed. Mr. Wilkinson stated that the application was referred to the County on August 16th. Mr. Wilkinson stated that verbal approval has been received from the County with a letter to follow. Mr. Wilkinson stated that the application was also referred to Mr. McNamara. Mr. Wilkinson stated that Mr. McNamara has sent a letter requesting funding to set up the escrow account.

Heflin/Durst (255.-1-40.1, 41, 43.1, 43.2, 43.3)

Mr. Wilkinson stated that in April of 2012, the Planning Board granted preliminary site approval for a 23 lot cluster development on approximately 89 acres that the applicants own on Swaggertown Road. Mr. Wilkinson stated that the Public Hearing was on June 18, 2012. Mr. Wilkinson stated that the applicants asked the Board to put the project on hold until the Town Board acted on their application for a water district extension for the proposed project. Mr. Wilkinson stated that the water district extension was granted for this development at the Town Board's August 12, 2013 meeting. Mr. Wilkinson stated that the project's applicant has requested that the Board continue deliberations for the final approval. Mr. Wilkinson stated that Mr. McNamara wrote a letter detailing items to be resolved before

final approval. Mr. Wilkinson stated that Scott Lansing responded to that letter on May 7, 2012 answering some of the questions with another set of drawings. Mr. Wilkinson stated that some of the responses were that the issues would be resolved during final approval deliberations. Mr. Wilkinson stated that he asked Mr. Lansing to come before the Board with a summary of their intentions.

Zoning Report

Mr. Wilkinson stated that the Board has received the report for review.

Correspondence

Mr. Wilkinson stated that the Town Board has received an application from Mike Maloney for the Charlton Tavern for an amendment to the current special exception use permit. Mr. Wilkinson stated that the Town Board has asked the ZBA and the Planning Board to provide input via joint Public Hearing. Mr. Wilkinson stated that the purpose is for a lot line change between the Tavern and the neighboring property owner Lee Taylor. Mr. Wilkinson stated that the issue to be addressed is the “as built” versus the approved site plan.

Mr. Wilkinson stated that the proposition is to hold the meeting on September 10th. The Board will discuss alternates during the business meeting.

Town Board Liaison

Mrs. Verola was not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:30 p.m.

BUSINESS MEETING

Opened at 7:30 p.m. with the Pledge of Allegiance.

Minutes

Mrs. Wood made the motion to approve the draft of the July 15, 2013 minutes with change incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Armer abstained.

SUBDIVISION APPLICATION AND LOT LINE CHANGES

Maher (235.-1-1.11)

Mr. Wilkinson stated that this is an application for a two lot subdivision of a 72+ acre parcel on Western Avenue. Mr. Wilkinson stated that the wetlands have been delineated since the pre-application conference in June. Mr. Wilkinson stated that the wetlands have been added

to the drawings provided by Northeast Land Survey. Mr. Wilkinson stated that one lot is going to be the existing house, storage barn and a hay barn, and the new parcel will be facing and have a driveway location on DeGraff Road. Mr. Wilkinson asked the applicant's representative to provide an overview of the drawing.

Dave Bogardus appeared on behalf of the Maher's. Mr. Bogardus stated that the drawing provided has a parent parcel insert showing DeGraff Road and Western Avenue. Mr. Bogardus stated that the parcel is 72.7 acres. Mr. Bogardus stated that the parcel that they would like to divide out is on the corner of Western Avenue and DeGraff and is a 15 acre parcel. Mr. Bogardus showed the boundaries. Mr. Bogardus stated that the remainder would go with the house, barn and remaining out buildings and consist of 57 acres. Mr. Bogardus stated that DEC has done a delineation of the wetlands. Mr. Bogardus stated that he took DEC's computer information and overlaid it on their survey to define the wetlands and the buildable area. Mr. Bogardus stated that the property is vacant and heavily wooded. Mr. Bogardus stated that they did some clearing to get a preliminary test pit. Mr. Bogardus stated that they have an appointment with the Building Inspector to witness the test this week. Mr. Bogardus stated that the results they received from the unwitnessed test were favorable. Mr. Bogardus stated that they are too close to the existing stream so they will dig another test pit with Mr. Gizzi. Mr. Bogardus stated that they have included the standard notes including the note for long driveways. Mr. Bogardus stated that they have a report from DEC stating that because the wetland boundaries are different from what DEC mapped previously, they are not enforcing the 100 foot setback.

Ms. Szurek stated that there are two Western Avenues on the inset map.

Mr. Bogardus stated that there are DEC and ACOE wetlands on the parcel.

Mrs. Maher showed the ACOE wetlands.

Mr. Wilkinson stated that the Environmental Conservation Commission is going to review the application and they are under the opinion that a wetland is a wetland. Mr. Wilkinson stated that the Board will request a 100 buffer area. Mr. Wilkinson stated that the Board will also request the septic system be placed outside the 100 foot buffer area.

Mr. Bogardus inquired if the applicants could mow and remove brush from the buffer area.

Mr. Wilkinson stated yes and that the request is no building within the 100 foot buffer area. Mr. Wilkinson asked that the buffer area be added to the drawing.

Mr. Wilkinson stated that the parent parcel does not have a scale on the drawing. Mr. Wilkinson read from page 14 of the Zoning Ordinance citing the drawing requirements.

Mr. Bogardus stated that he would put the scale on the drawing.

Mr. Keniry stated that the reason for the scale is that without the scale you cannot calculate the driveway distance on the easterly boundary to the westerly boundary of Lot 1.

Mr. Bogardus stated that the scale is 1/395 but he could make it 1/400 if the Board would like it that way.

Mr. Wilkinson stated that was acceptable. Mr. Wilkinson asked that the site map be corrected to show only one Western Avenue.

Mr. Armer requested a copy of the letter from the DEC.

Mrs. Maher stated that she would provide a copy.

Mr. Wilkinson stated that note 12 needs a correction from "Jeff" to "Jed". Mr. Wilkinson stated that the Board would like to see the building envelope on the drawing and the perk test info.

Mrs. Wood stated that since the property is held jointly the Board needs a signed affidavit from Mr. Maher.

Mr. Maher was present and signed an affidavit and Mrs. Caron notarized the document. A copy was provided to the Board.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action is an unlisted action with a negative impact declaration relative to SEQRA. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson stated that the clerk will forward the application to Mr. McNamara and the County Planning Board for review.

Mr. Bogardus provided some copies of the revised maps with everything on one sheet for the referrals.

Mr. Wilkinson made the motion to schedule a Public Hearing on September 16, 2013 at 7:30 p.m. Mr. Mitchell seconded the motion. All were in favor.

Mrs. York provided the Public Hearing cards.

Mr. Wilkinson asked for the new drawings two weeks prior to the next meeting.

Mr. Bogardus reviewed the changes: perk test info, define building envelope, change note #12, add 100 foot buffer zone, change site inset, change Jeff to Jed, scale to be 1/400.

Smith/Northeast (226.-1-59 and 226.-1-60)

Mr. Wilkinson stated that this is a subdivision and lot line change on Peaceable Street for William and Carole Smith at 1289 Peaceable Street. Mr. Wilkinson stated that this is a 24 acre parcel that will be subdivided to create one new building lot of 21 acres and a lot line adjustment on 1289 Peaceable Street. Mr. Wilkinson stated that the Board took lead agency at the April meeting and County approval has been received. Mr. Wilkinson stated that the Board needed relief from the ZBA due to pre-existing non-conforming conditions which relief was granted at the ZBA's July 16th meeting. Mr. Wilkinson stated that perk tests and soil tests have been done and reviewed by Mr. McNamara. Mr. Wilkinson stated that there is concern with note #14 pertaining to the barn housing livestock. Mr. Wilkinson read the note aloud. Mr. Wilkinson read the e-mail from Don Schermerhorn.

Mr. Bogardus stated that the ZBA did not stipulate the barn and granted all relief requested.

Mr. Keniry read from the ZBA variance that was granted.

The Board discussed the concern of housing livestock in the barn.

Mr. Keniry suggested adding to the note "the appropriate municipal Boards".

The Board and the applicants agreed on the language.

The Board completed the EAF.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made the motion to approve the Smith lot line change at 1289 Peaceable Street and the subdivision of 1299 Peaceable Street contingent upon a note being added to the drawing for the property at 1299 Peaceable Street restricting the barn from being used for the keeping of livestock which note shall read "in the event that the development of Lot 2 includes a single family home and the keeping of livestock or the use of the existing barn for such purposes, the Town of Charlton appropriate municipal Boards shall be contacted as there may be additional or modified setbacks and requirements as pertains to the barn" as Resolution 2013-06 and authorize the Chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson reviewed the mylar and copy requirement.

Clute/Van Guilder (236.-1-39.111)

Duane Rabideau appeared before the Board.

Mr. Wilkinson stated that this is an application for a 39 acre parcel to be subdivided into 4 lots located at 1220 Packer Road. Mr. Wilkinson stated that the lots range from 2+ acres to one 30+ acre horse lot. Mr. Wilkinson stated that the application was referred to the county and verbal approval has been received. Mr. Wilkinson stated that the application has been

referred to Mr. McNamara and a letter has been sent to the applicants requesting funding of the escrow account.

Mr. Rabideau reviewed the revised drawings. Mr. Rabideau stated that Lot 1 is the same, Lot 2 is now 4+ acres and will contain the existing house and outbuildings, lot 3 (former lot 4) will remain the same and lot 4 (former lot 5) will remain at 30+ acres for horses. Mr. Rabideau stated that they plan to further subdivide lot 2 once the barn has been removed. Mr. Rabideau stated that since there is the potential for further subdivision of Lot 2, they set up the driveways so that they are close together. Mr. Rabideau stated that the AG data statement has been revised to include the farming operation on Packer Road and Maple Avenue. Mr. Rabideau stated that the application has been signed by all applicants. Mr. Rabideau stated that Mr. Gizzi did witness perk tests and the proposed septic systems are good.

Mrs. Wood inquired why all of the proposed septic locations were in the front of the property.

Mr. Rabideau stated that the lots all slope towards the road and it made more sense for the well separation distances.

Mrs. Wood inquired how much acreage of wetlands are on Lot 4.

Mr. Rabideau stated that 10 acres are usable land. Mr. Rabideau showed the usable areas of Lot 4.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action is an unlisted action with a negative impact declaration relative to SEQRA. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson made the motion to schedule the Public Hearing for September 16, 2013 at 7:45 p.m. Mr. Mitchell seconded the motion. All were in favor.

The Board set up a walk-through of the property for September 7th at 9:00 a.m.

Heflin/Durst (255.-1-40.1, 41, 43.1, 43.2, 43.3)

Scott Lansing appeared before the Board.

Mr. Wilkinson asked for a summary.

Mr. Lansing stated that the parcel is 85 acres along Swaggertown Road across from Crooked Street and the proposal is for a residential cluster subdivision with 24 lots total with one lot being the existing residence on the parcel. Mr. Lansing stated that they are proposing public water for the project and individual septic systems with stormwater management on site. Mr. Lansing stated that as part of receiving the public water, the project requires preliminary

approval from the Planning Board before the applicants can go to the Town Board for water district extension. Mr. Lansing stated that all parties involved worked very hard to come up with the layout before the Board now. Mr. Lansing stated that preliminary approval was granted for the project at which time the applicant went before the Town Board for the water district extension and approval was given for the extension last week. Mr. Lansing stated that the applicants are now before the Planning Board is pursuing final approval. Mr. Lansing stated that there is a letter dated April 30th, 2012 from Mr. McNamara which response was given on May 7th, 2012 however all comments were not addressed. Mr. Lansing stated that the primary comments were addressed at that time. Mr. Lansing stated that they plan to address the remaining comments in writing to Mr. McNamara for the next meeting. Mr. Lansing stated that they do need revalidation of the wetlands delineation.

Mr. Wilkinson stated that the Board needs Mr. McNamara to review the comments before proceeding. Mr. Wilkinson inquired if the wetlands delineation would be provided at the next meeting.

Mr. Lansing stated that he thinks he will have the recertification in time.

Mr. Wilkinson stated that the Board needs another letter from DEC for the file.

The Board agreed not to issue conditional approval at this time.

ZONING REPORT

The Board reviewed the current report.

CORRESPONDENCE

Mr. Wilkinson stated that he will propose September 16th to the Zoning Board for the Maloney hearing.

TOWN BOARD LIAISON

Mrs. Verola was not present.

Mr. Wilkinson made a motion to adjourn the meeting. Mr. Armer seconded the motion. All were in favor.

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary